

DECISION NOTICE
and
FINDING NO SIGNIFICANT IMPACT

Proposed Wolf Creek Land Exchange
with
Leavell Properties, Inc.
in
Mineral and Saguache Counties, Colorado
Del Norte Ranger District, Rio Grande National Forest
USDA Forest Service

Leavell Properties, Inc. have proposed a land-for-land exchange involving 420 acres of Federal land and 1631.38 acres of non-Federal land. The proposal is made in accordance with the General Exchange Act of 1922 and the Federal Land Policy and Management Act of October 21, 1978 (43 U.S.C. 1716, 1717). Information in parenthesis refers to the associated environmental assessment. (Appendix B - Statement of Intent, Appendix A - Maps).

The Federal parcel is located in Mineral County and the eight non-Federal parcels are located in Saguache County, Colorado. All parcels are located within the Rio Grande National Forest and exhibit similar cover types: Open, sometimes wet, meadows surrounded by various high mountain conifer woodlands.

There are floodplains or wetlands located on all parcels, with more wetlands on the non-Federal lands (section 4.1.1). No threatened or endangered species are known to exist on any parcel nor is there key habitat for these species (Appendix H).

A cultural resource survey was made on the Federal parcel in compliance with E.O. 11593 and Section 106 of the National Historic Preservation Act (PL 96-515). A no effect determination was made by the Forest Service. The Colorado State Historic Preservation Officer concurred in this determination of no effect on May 14, 1985 (Appendix F).

The non-Federal parcels contain the standard reservation in patent from the United States. Outstanding uses of the Federal parcel authorized by special-use permit or grazing permit would be affected by the proposal.

The non-Federal parcels include winter range for big game. The Federal parcel is exclusively summer range. There would be an increase in allowable livestock grazing and management efficiency upon acquisition of the non-Federal parcels. There would be no decrease in allowable livestock grazing but some management efficiency would be lost upon conveyance of the Federal parcel.

A mineral examination found all parcels to be non-mineral and not valuable for lessable minerals. The Bureau of Land Management concurred with this determination on December 21, 1984 (Appendix E).

Four alternatives have been considered (Chapter 2):

1. Take no action on the exchange as proposed.
2. Continue processing the exchange as proposed.

3. Continue processing the exchange as proposed with a 60 acre Federal land addition.
4. Develop the Federal land under a special-use authorization.

The alternatives were evaluated using the following criteria:

- a. The alternative selected must be cost effective and promote efficient management.
- b. The alternative selected should not result in a decrease in public values.
- c. The selected alternative must meet the management objectives as expressed in the Rio Grande National Forest Land and Resource Management Plan.
- d. The alternative selected must maintain or improve long term environmental quality.

Alternative 1: The No Action Alternative would maintain the status quo. No further action would be taken and the proposal to exchange the lands would not be processed on any of the other three alternatives. Current Forest Service management of the Federal parcel proposed for conveyance is efficient and cost effective. The Rio Grande National Forest resource management objectives as expressed in their Land and Resource Management Plan are provided for in this Alternative. The No Action Alternative would maintain the long term environmental quality of the Federal parcel.

Under this Alternative the opportunity to acquire eight undeveloped, isolated, non-Federal parcels would be lost at this time. Future management efficiencies and cost effectiveness could be forgone when the eight parcels are developed for various purposes by the landowner. The present management objectives of the National Forest System lands adjacent to the non-Federal parcels may not be fulfilled as a result of parcel development. Development of the non-Federal parcels could reduce the long term environmental quality of the adjacent National Forest System land.

Alternative 2 and 3: These two Alternatives differ only by the amount of Federal land proposed for conveyance. At this point the appraised value of the Federal land has not been approved. Law requires that lands exchanged be either equal in value or equalized by cash payment not exceeding 25 percent of the Federal land value. The objective is to keep the cash payment as small as possible. Alternative 3 anticipates the need to equalize the value of the non-Federal parcels by increasing the size of the Federal parcel to eliminate the need for cash equalization.

Disposal of the Federal parcel as proposed in Alternative 2 or 3 would create an isolated, developed non-Federal parcel in a large area of solid Federal ownership. Historically, disposal of public land in this setting has resulted in a need for landownership adjustments to reconsolidate public ownership for more efficient and cost effective management of the National Forest System.

Elevation of the Federal parcel is over 10,000 feet. Annual snowfall usually exceeds ten feet. Development of the Federal parcel following conveyance would be for housing units and commercial properties that would compliment the contiguous Wolf Creek Ski Area. Soil erosion would occur as a result of the surface disturbance during construction, operation, and maintenance of the development. There would be long term effects on water quality as a result of development. An adequate potable water supply needed for long term use and enjoyment of the development is not available. There would be an increase of approximately four miles of property line and ten property corners to maintain as a result of implementing Alternatives 2 or 3.

Acquisition of the non-Federal parcels would promote efficient and cost effective management of the adjacent National Forest System land. Eight undeveloped, isolated, non-Federal parcels would be acquired by the United States. Maintenance of approximately 24 miles of property line and 69 property corners would be eliminated. Acquisition by the United States would increase the opportunities for meeting the management objectives of the Rio Grande National Forest and would maintain the long term environmental quality of the natural resources present.

Alternative 4: In this Alternative, all or portions of the Federal parcel would be developed by virtue of a special-use authorization. Although no special-use application has been submitted, the discussion under Alternative 2 and 3 would be applicable. Because the parcel would remain in Federal ownership, the cost of maintaining the additional property boundary and corners would not be applicable in this Alternative. Likewise, the public benefits of acquiring the non-Federal parcels would not result as no land exchange would take place.

Discussion: The Mineral County Board of Commissioners, the State Clearinghouse, and the Congressional delegation were advised of the proposal. The proposal was also advertised in these newspapers: The Saguache Crescent, The Monte Vista Journal, The Del Norte Prospector, The Mineral County Miner, and The South Fork Times (Appendix C). Nearly all responses were in favor of the proposed exchange (Appendix D).


The Environmental Assessment discloses facts known at the time. There are a great number of unknown concerns which by their nature can not be fully addressed in the Assessment. The land exchange proposal has a number of public benefits, primarily as the result of acquiring eight non-Federal parcels. The benefits of disposal of the Federal parcel thereby creating a parcel of non-Federal land where none now exists, and the subsequent environmental, social, and economic impacts resulting from development are not at all clear. Where hesitation exists in an action and the total benefits are not clearly evident, the time may not have ripened for action. Many decisions concerning the management of the National Forest System are irreversible. Such grave irreversible actions require clear benefits. Benefits are not clear in the proposed land exchange.

Decision: It is my decision to select the No Action Alternative. This Alternative provides for efficient and cost effective management of the

National Forest System, meets the management objectives as expressed in the Rio Grande National Forest Land management Plan, and will maintain the long term environmental quality of the natural resources. The No Action Alternative will not result in a decrease in public values.

Based on the facts disclosed in the Environmental Assessment and the discussion herein, I have determined that this decision will not result in significant impact on the quality of the human environment, therefore, an environmental impact statement is not needed.

This decision is subject to appeal, pursuant to 36 CFR 211.18. Notice of an appeal must be in writing and submitted to the Regional Forester, Rocky Mountain Region, Forest Service-USDA, 11177 W. 8th Ave., P.O. Box 25127, Lakewood, Colorado 80225, within 45 days from the date of this decision. A statement of reasons to support the appeal and any request for oral presentation must be filed within the 45-day period for filing a notice of appeal.


JAMES F. TORRENCE
Regional Forester

2-20-86
Date